

David E. Comstock  
LAW OFFICES OF COMSTOCK & BUSH  
199 N. Capitol Blvd., Suite 500  
P.O. Box 2774  
Boise, Idaho 83701-2774  
(208) 344-7700  
ISB No.: 2455

ORIGINAL

U.S. COURTS  
03 DEC 16 PM 3:23  
REC'D  
CLERK CAMERON S. BURKE  
IDAHO

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

CHRIS DENNISON,

Plaintiff,

vs.

CONTINENTAL CASUALTY  
COMPANY, an Illinois corporation; CNA  
GROUP LIFE ASSURANCE  
COMPANY, a wholly owned subsidiary  
of Continental Casualty Company,  
RURAL TELEPHONE COMPANY, an  
Idaho Corporation,

Defendants.

Case No. CIV 02-507-S-LMB

**PLAINTIFF'S MOTION TO SUSPEND  
DISCLOSURE OF REBUTTAL  
EXPERT WITNESSES**

COMES NOW, Plaintiff, by and through his attorneys of record, and hereby moves  
this Court for an order suspending the disclosure of rebuttal expert witnesses by all parties.  
This Motion is made and based upon the following:

1. The Court issued a Scheduling Order dated January 23, 2003, which orders  
all parties to disclosure their rebuttal expert witnesses by January 2, 2004;

2. Defendant CNA's Motion for Protective Order and Motion to Suspend Expert are currently pending. Argument to be heard on January 7, 2003;
3. As a result of Defendant's pending motions, discovery has been suspended and the parties are awaiting a decision by the Court on whether discovery will be allowed; and
4. Until the Court decides if it will consider evidence and/or testimony outside the administrative record, Plaintiff is not in the position to disclose rebuttal experts or the scope and content of any expected testimony and evidence.

Plaintiff respectfully requests this Court suspend the January 2, 2004 deadline for Plaintiff's disclosure of rebuttal experts until the pending Motions are heard and the Court renders its determination.

RESPECTFULLY SUBMITTED This 16 day of December, 2003.

COMSTOCK & BUSH

  
David E. Comstock

# CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2003, I served a true and correct copy of the above and foregoing instrument, by method indicated below, upon:

Donald F. Carey  
Robert D. Williams  
Quane Smith LLP  
2325 West Broadway, Ste B  
Idaho Falls ID 83402-2948

☒ Facsimile (208) 529-0005  
☐ Hand Delivery  
☐ U.S. Mail

Robert A. Anderson  
Phillip J. Collaer  
Anderson Julian & Hull LLP  
250 S 5<sup>th</sup> Street, Ste 700  
P. O. Box 7426  
Boise ID 83707-7426

☒ Facsimile (208) 344-5510  
☐ Hand Delivery  
☐ U.S. Mail

  
\_\_\_\_\_  
David E. Comstock